

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND**
(Greenbelt Division)

In re:	:	
	:	
MARCELO P. L. DESSIN and	:	Case No. 25-1-0596-LSS
DONNA M. COLEMAN,	:	Chapter 13
Debtors.	:	
	:	

**TRUSTEE’S OBJECTION TO DEBTORS’
CHAPTER 13 PLAN FILED FEBRUARY 20, 2025**

Timothy P. Branigan, Chapter 13 trustee in the above-captioned case (“Trustee”), pursuant to section 1325 of the Bankruptcy Code and Bankruptcy Rule 3015(f) objects to confirmation of the Debtors’ Chapter 13 plan filed on February 20, 2025 (the “Plan”). In support of his opposition, the Trustee respectfully represents the following:

1. The Debtors commenced this case under Chapter 13 on January 23, 2025. The Plan proposes to pay \$7,000.00 monthly for months 1 through 28, \$7,700.00 monthly for months 29 through 36, and \$11,000.00 monthly for months 37 through 60, for a gross funding of \$521,600.00.

2. The Debtors have failed to make the payments proposed under the Plan. At this time, two payments are due in the total amount of \$14,000.00. The Trustee has received \$0.00. Accordingly, the Debtors have not demonstrated that the Plan is feasible, and the Plan does not satisfy the requirement of section 1325(a)(6) of the Bankruptcy Code.

3. The Debtors have failed to provide documentation supporting income listed on Schedule I of \$3,293.00 per month for Social Security, and \$316.93 per month for pension, as requested by the Trustee at the meeting of creditors. Accordingly, the Trustee cannot determine whether the Plan is feasible. The Plan does not satisfy the requirements of section 1325(a)(6) of

the Bankruptcy Code. At this time, the Debtors have failed to fully cooperate with the Trustee as required under section 521(a)(3) of the Bankruptcy Code.

4. Select Portfolio Servicing filed a proof of claim asserting pre-petition mortgage arrears of \$606,610.13. The Plan does not provide sufficient funding to cure the arrearage. The Plan is underfunded and does not satisfy the requirements of sections 1325(a)(1) and (5), and 1322(b)(5) of the Bankruptcy Code.

5. The Debtors have failed to proof of surrender of the vehicle, and bank statements as of the petition date, as requested by the Trustee. At this time, the Debtors have failed to fully cooperate with the Trustee as required under section 521(a)(3) of the Bankruptcy Code.

6. The Debtors have not provided and/or filed all applicable federal, state, and local tax returns as required by section 1308. Accordingly, the Debtors have not satisfied the requirements of section 1325(a)(9) of the Bankruptcy Code.

7. The Debtors' Schedule J reflects insufficient net monthly income to support the proposed Plan payments. The Debtors have not demonstrated that the Plan is feasible. The Plan does not satisfy the requirements of section 1325(a)(6) of the Bankruptcy Code.

8. Accordingly, the Plan should not be confirmed.

PLEASE TAKE NOTICE THAT *THIS OBJECTION MUST BE RESOLVED AT LEAST 2 BUSINESS DAYS PRIOR TO THE CONFIRMATION HEARING.* AFTER THAT TIME, THE TRUSTEE MAY DECLINE TO ACCEPT MATERIALS THAT HE HAS REQUESTED FROM THE DEBTORS. THE TRUSTEE MAY DECLINE TO DISCUSS THE CASE AT THE CONFIRMATION HEARING. THE DEBTORS SHOULD EXPECT THAT ANY UNRESOLVED OBJECTION WILL BE HEARD BY THE COURT.

Respectfully submitted,

April 4, 2025

/s/ Timothy P. Branigan
Timothy P. Branigan (Fed. Bar No. 06295)
Chapter 13 Trustee
9891 Broken Land Parkway, #301
Columbia, Maryland 21046
(410) 290-9120

Certificate of Service

I hereby certify that the following persons are to be served electronically via the CM/ECF system:

Daniel M. Press, Esq.

I caused a copy of the pleading above to be sent on April 8, 2025 by first-class U.S. mail, postage prepaid to:

Marcelo P. L. Dessin
Donna M. Coleman
424 Firestone Drive
Ashton, MD 20861

/s/ Timothy P. Branigan
Timothy P. Branigan (Fed. Bar No. 06295)